IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.5338 of 2002

Dated: July 5, 2006

Between:

P. Venkateswarulu, S/o. Gopaiah, aged about 58 years,
Occ: Agriculture, R/o. H. No.11-3-194, Balajinagar, Khammam.

… Petitioner

And

Joint Sub-Registrar, Khammam,
Khammam District.

… Respondent

Order:

This writ petition has been filed seeking a Writ of Mandamus to declare the action of the respondent in refusing to register the document of the petitioner dated 11-03-2002 as illegal and arbitrary and a consequential direction to the respondent is sought to receive and register the sale deed.

2. The petitioner claims to be the owner and possessor of land to an extent of 1250 Sq. yards. In Sy.No.264, Near Khanapuram Haveli, Khammam District, having inherited the same from his father, who

acquired the said property originally. Due to financial difficulties, it is stated that the petitioner offered to sell 100 Sq. yards in Sy.No.264 vide House No.6-2-19/2 by executing a document. It is stated that when the petitioner requested the respondent to register the sale by receiving the document on 01-03-2002, the respondent refused to accept the said document on the ground that the land sought to be sold is covered by a notification issued under the A.P. Wakf Act, 1954. Hence, the petitioner has come up with the present writ petition.

3. Though the writ petition is of the year 2002, no counter affidavit has been filed by the respondents so far.

4. Learned counsel for the petitioner contends that the said land covered by S.No.264 of Khanapuram, is not covered by any notification at all and in the absence of the land being covered by notification, the respondent cannot refuse to register the sale. In support of his argument, learned counsel placed reliance on two judgments of this Court in **K. Mysooraiah V. Sub-Registrar, Cuddapah**[1] and **S. Nagi Reddy Vs. Joint Sub-Registrar-I, Tirupati**[2], wherein this Court has held that the Sub-Registrar cannot refuse the document that is presented for registration in the absence of any statutory notification under Section 22-A of the Registration Act.

5. At the stage of admission, this Court directed the respondents to re-verify A.P. Gazette No.4-A dated 25-01-1990 and to take steps for registration. It is to be seen that in the absence of any statutory notification under Section 22-A of the Registration Act, the respondent cannot refuse to register the sale on the ground that the property sought to be sold belongs to Wakf.

6. In that view of the matter, I dispose of the writ petition directing the respondent to register the document presented by the petitioner, if it is otherwise in order, without reference to the objection made by way of endorsement dated 11-03-2002.

7. Subject to the above direction, the writ petition is disposed of. No order as to costs.

_____

JUSTICE R. SUBHASH REDDY.

July 5, 2006
MRR

---

[1] **2005 (5) ALD 581**

[2] **1999 (4) ALT 556**